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CALIFORNIA DEPARTMENT OF WATER
7 RESOURCES, an agency of the State of California,
LESTER SNOW, an individual in his official
8 capacity, RALPH TORRES, an individual in his
official capacity, DAVID STARKS, an individual
9 in his official capacity, DAVID DUVAL, an
individual in his official capacity, L.D. ELMORE,
10 an individual in his official capacity,
11

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 COUNTY OF ALAMEDA

14 WATERSHED ENFORCERS, a project of
15 CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE, a non-profit
16 corporation,

Petitioner,

17 v.
18

19 CALIFORNIA DEPARTMENT OF
WATER RESOURCES, an agency of the
20 State of California, LESTER SNOW, an
individual in his official capacity, RALPH
21 TORRES, an individual in his official
capacity, DAVID STARKS, an individual in
22 his official capacity, DAVID DUVAL, an
individual in his official capacity,
23 L.D. ELMORE, an individual in his official
capacity,

24 Respondents.
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CASE NO. RG06292124

**DECLARATION OF L. RYAN
BRODDRICK IN SUPPORT OF
CALIFORNIA DEPARTMENT OF
WATER RESOURCES' REQUEST
FOR HEARING**

Date: TBD
Time: TBD
Dept.: 31
Judge: Hon. Frank Roesch

**[NO FILING FEE REQUIRED
PURSUANT TO GOV'T CODE
§ 6103]**

1 I, L. Ryan Broddrick, declare as follows:

2 1. I am the Director of the California Department of Fish and Game ("DFG").
3 I make this declaration in support of the California Department of Water Resources' ("DWR")
4 request for hearing. I have personal knowledge of the facts stated herein and, if called to do so,
5 could and would testify competently thereto.

6 2. DFG is the agency vested with authority and responsibility for overseeing
7 and enforcing the California Endangered Species Act ("CESA"), including providing appropriate
8 authorization under CESA with regard to protected species.

9 3. On April 9, 2007, I received from the Director of DWR, Lester Snow,
10 DWR's notice pursuant to Fish and Game Code Section 2080.1 regarding State Water Project
11 Delta operations (the "Consistency Determination Request"). Pursuant to the Consistency
12 Determination Request, DWR asked DFG to determine whether the federal incidental take
13 statements in the *Biological Opinion for the Reinitiation of Formal and Early Section 7*
14 *Endangered Species Consultation on the Coordinated Operations of the Central Valley Project*
15 *and State Water Project and the Operational Criteria and Plan to Address Potential Critical*
16 *Habitat Issues* (United States Fish and Wildlife Service (February 16, 2005)) and *Biological*
17 *Opinion on the Long-Term Central Valley Project and State Water Project Operations Criteria*
18 *and Plan* (National Marine Fisheries Service (October 22, 2004)) are consistent with the
19 provisions of CESA. The Harvey O. Banks Pumping Plant Operation (as defined in the Court's
20 Proposed Statement of Decision) is among the State Water Project facilities for which DWR
21 requested DFG's consistency determination.

22 4. Under Fish and Game Code section 2080.1(b), upon receipt of a request for
23 a consistency determination, DFG is required to publish notice of its receipt in the California
24 Regulatory Notice Register. Fish and Game Code section 2080.1(c) provides that DFG shall,
25 within 30 days after receipt of the request, determine whether the federal incidental take
26 statements are consistent with CESA.


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5. In accordance with the provisions of CESA, DFG will evaluate DWR's Consistency Determination Request and determine whether the federal incidental take statements meet the conditions of CESA and thus no further authorization or approval is necessary.

6. DFG supports DWR's request to the Court to schedule a hearing approximately 30 days from April 11, 2007.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 10 day of April, 2007 at Sacramento, California


L. Ryan Broddrick